

REMARKS

Claims 1-4 and 6-14 remain pending in this application. Reconsideration of the application is respectfully requested.

Claim 5 was rejected under 35 U.S.C. § 112, first paragraph, as lacking enablement. Claim 5 has been canceled.

Claim 12 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite, and was stated to constitute an incomplete sentence. Claim 12 has been amended to overcome the indefiniteness and incomplete sentence rejections.

Claims 1-5 and 11-14 were rejected under 35 U.S.C. § 102 as being anticipated by Bazell et al. (U.S. Patent No. 3,884,242). Independent claim 1 has been amended to more succinctly claim the invention. The cited reference discloses a catheter assembly which includes a catheter tube, seal members which **frictionally** grip the catheter tube, and a cuff member adhesively secured only to the seal members. In contrast thereto, the present invention provides a balloon catheter which includes a distal catheter shaft section, and a balloon which is bonded **directly** to the distal catheter shaft section. Moreover, the presently pending claims call for the tip member to be bonded to the catheter shaft AND to the balloon distal shaft section. It is respectfully submitted that the passages cited by the Examiner do not suggest such a structure. At column 8, lines 50-61 it is clearly stated that the adhesive merely serves as fill material to provide a smooth transition and that only a bond with the cuff material needs to form. The passage at column 7, lines 64-67 merely

describes a bond formed between the distal tip and the catheter shaft and no suggestion is made that the adhesive is to join the distal tip to the balloon. It is therefore respectfully submitted that anticipation of independent claims 1 and 13 as well as any claims depending therefrom is clearly avoided. Moreover, because the cited reference teaches away from the concept of bonding **all three** components (catheter, balloon and tip) to one another and instead relies only on adhesion between a single pair of components, i.e. the tip and the catheter shaft while the balloon is secured to the shaft by frictional forces and adhesion directly between the balloon and the tip is not taught, it is respectfully submitted that a finding of obviousness is also precluded.

Claims 6-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bazell. It is respectfully submitted that in view of the failure of the cited reference to suggest the invention claimed in the underlying independent claim 1 as was argued above, the obviousness of any claims depending therefrom is similarly precluded.

Claim 10 was rejected under 35 U.S.C. § 102(b) as anticipated by Inoue (U.S. Patent No. 5,100,386). The cited reference describes a balloon catheter structure wherein a connector ring 24 may be bonded to the catheter tube 12 (column 3, line 25) and the balloon 16 is attached to the ring 24 with the use of a suitable fastener 30 (column 3, lines 36-40). No suggestion is made of a three-way adhesive interconnection, specifically, the balloon is neither adhered to the connector ring nor is the balloon adhered to the catheter shaft. In stark contrast thereto, claim 10 in conjunction with claim 1 from which it depends, unequivocally calls for the balloon to be **adhered** to the catheter shaft, the tip member to be **adhered** to the catheter shaft and the tip member to be **adhered** to the balloon. In view of the very different approach taught by this particular reference, it is respectfully submitted that anticipation as well as obviousness is clearly avoided.

In light of the above amendments and remarks, applicant earnestly believes the application to be in condition for allowance, and respectfully requests that it be passed to issue.

Respectfully submitted,
FULWIDER PATTON LEE & UTECHT, LLP

By: Gunther O. Hanke
Gunther O. Hanke
Registration No. 32,989

GOH/HNS:vbd/psm
Encl: Version with markings to show changes made

6060 Center Drive, Tenth Floor
Los Angeles, CA 90045
Tel: 310.824.5555
Facsimile: 310.824.9696
Customer No.: 24201
[245253.1]

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Please amend the following claims so as to read:

1. (AMENDED) A balloon catheter having a distal end, comprising:
an elongated catheter shaft having a proximal end, a distal end, a proximal shaft section, a distal shaft section, a guidewire receiving lumen extending along at least a portion thereof to a port at the catheter shaft distal end, and an inflation lumen;
5 a balloon on the distal catheter shaft section having an inflatable interior in fluid communication with the inflation lumen, proximal and distal ends, a proximal balloon shaft section adjacent the balloon proximal end, and a distal balloon shaft section adjacent the balloon distal end and being adhesively secured to the catheter shaft; and
a tip member on the distal end of the catheter having proximal and distal ends and
10 being in fluid communication with the catheter shaft guidewire receiving lumen, [;]
the proximal end adhesively secured [joined] to the balloon distal shaft section and the catheter shaft.

12. (AMENDED) The catheter of Claim 2 wherein the adhesive, for forming the adhesive seal between the catheter shaft and the balloon distal shaft section, and between the catheter shaft section and the tip member, is adapted to be cured.